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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/570,557	03/12/2007	**Stephan Blicker**	0740-78	9949

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EXAMINER	
JAIN, ANKUR	

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/570,557	BLICKER ET AL.	
	Examiner	Art Unit	
	ANKUR JAIN	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 May 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *9-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. **Claims 9-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Maggenti et al, US 2002/0077136 A1 (hereafter referenced as Maggenti), in view of Bensimon et al, US 2004/0047332 A1 (hereafter referenced as Bensimon).

Regarding **Claim 9**, the claim is rejected for the same reasons as outlined by claims 10 and 15 below.

Regarding **Claim 10**, Maggenti teaches "a method of operating push-to-talk communication between a group of members of an existing push-to-talk communication

session within a first communication network operated by a first network operator using a Push-to-Talk over a communication system (PoC) application server" (see Paragraph 0042 and Figure 1). "Existing push-to-talk communication session...by a first network operator...using a Push-to-Talk over a communication system (PoC) application server" reads on the mobile switching center (MSC) 28, where both the "first network operator" and "Push-to-Talk over a communication system (PoC) application server" read on the mobile switching center (MSC) 28. "A group of members of an existing push-to-talk communication session" reads on CDs 12, 14, and 16. Maggenti also teaches "a group of at least one member of an additional communication network operated by a second network operator, using a Push-to-Talk over a communication system (PoC) application server" (see Paragraph 0035, 0036, 0043, and Figures 1 and 2). "Second network operator" and "Push-to-Talk over a communication system (PoC) application server" both read on the communications manager (CM) 18. "A group of at least one member of an additional communication network" reads on the net the CM 18 transmits information to, similar to CD 112 and CD 116 of Figure 2. Maggenti also teaches "connecting the additional group to the existing group of the session for push-to-talk communication" (see Paragraphs 0041 through 0043, and Figure 1). The claim limitation reads on using the distributed network 26 for "connecting" the MSC 28 with CM 18 when a PTT transmission request is received from a communication device, such as CD 108 in Figure 2. Maggenti also teaches "the group members of the additional network are known to both operators and the group members of the existing group are known to the first operator but not to the second operator" (see Paragraphs 0052 and 0054, and

Figures 1 and 2). "Known to both operators" reads on the NBS media signaling 124 which is sent to the "first network operator," which then gets bypassed through the "second network operator," and ultimately to the "group members of the additional network." The reverse process also occurs, and thus according to this chain of events, "the group members of the additional network are known to both operators." Also, according to Figures 1 and 2, "the group members of the existing group are known to the first operator" reads on how media traffic 128 gets directly transmitted to the "first network operator," or MSC 28. "The existing group not known to the second operator" reads on how specific media traffic 128 containing information directed towards "group members of the additional network" is only one-way from the "existing group member" to the "group members of the additional network." Since media traffic 128 is only one-way, the "second operator does not know about the existing group," since the "group members of the additional network" cannot go against the one-way communication to provide specific information directed towards the "group members of the existing group." Maggenti does not teach "synchronizing the existing server to an additional server." However, Bensimon generally teaches "synchronizing the existing server to an additional server" (see Abstract, Paragraph 0021, and Figure 1). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Maggenti with the above mentioned limitations as taught by Bensimon, for the purpose of enhancing and increasing system efficiency by introducing the concept of synchronization and by making a connection between the additional server and the existing server.

Regarding **Claim 11 and Claim 12**, Maggenti teaches "PoC application servers" (see claim 10). Bensimon generally teaches "wherein the synchronization is carried out automatically by servers" (see Abstract, Paragraph 0021, and Figure 1).

Regarding **Claim 13 and Claim 14**, Maggenti teaches "PoC groups and a PoC message" (see claim 10). Bensimon generally teaches "wherein the synchronization is carried out whenever a user requests update of all group members before sending a message" (see Abstract and Paragraph 0023). The terminals can "request an update of all group members" when there is subscription sharing. Also, since there is "synchronization" between the servers and between the servers and terminals, the "synchronization can be carried out whenever a user requests update of all group members."

Regarding **Claim 15**, Maggenti teaches a system for operating push-to-talk communication between push-to-talk groups of at least two communication networks operated by different operators, the system comprising: "one common group management system" (see Paragraph 0031 and Figure 1). Maggenti also teaches "connecting at least one member of a PoC-group of a first said network with members of a PoC-group of a second said network for push-to-talk communication" (see claim 10). Maggenti also teaches "at least one push-to-talk communication application server for each of the first and second networks" (see claim 10). Maggenti also teaches "the group members of the first network are known to both operators" (see Paragraphs 0052 and 0054, and Figures 1 and 2). "Known to both operators" reads on the NBS media signaling 124 which is sent to the "first network operator," which then gets bypassed

through the “second network operator,” and ultimately to the “group members of the additional network.” Maggenti also teaches “the group members of the second network are known to at least the second operator” (see Paragraphs 0052 and 0054, and Figures 1 and 2). As discussed above, “known to both operators" reads on the NBS media signaling 124 which is sent to the “first network operator,” which then gets bypassed through the “second network operator,” and ultimately to the “group members of the additional network.” The reverse process also occurs, and thus according to this chain of events, “the group members of the second network are known to at least the second operator.” Maggenti does not teach “synchronizing the existing server to an additional server." However, Bensimon generally teaches “synchronizing the existing server to an additional server" (see Abstract, Paragraph 0021, and Figure 1). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Maggenti with the above mentioned limitations as taught by Bensimon, for the purpose of enhancing and increasing system efficiency by introducing the concept of synchronization and by making a connection between the additional server and the existing server.

Regarding **Claim 16,** Maggenti teaches “wherein the communication networks are radio communication networks" (see Paragraph 0063 and Figure 4).

Regarding **Claim 17,** Maggenti teaches “identifying the PoC application server of the additional group by an address derived from a group address assigned to the additional group” (see Paragraph 0045 and Figure 1). “Address” reads on any of the

information pertaining to individual net members as well as to each defined net maintained by CM 18.

Response to Arguments

2. Applicant's arguments filed May 28th, 2009 have been fully considered but they are not persuasive. The Examiner respectfully submits that Maggenti teaches "a method of operating push-to-talk communication between a group of members of an existing push-to-talk communication session within a first communication network operated by a first network operator using a Push-to-Talk over a communication system (PoC) application server" (see Paragraph 0042 and Figure 1). "Existing push-to-talk communication session…by a first network operator…using a Push-to-Talk over a communication system (PoC) application server" reads on the mobile switching center (MSC) 28, where both the "first network operator" and "Push-to-Talk over a communication system (PoC) application server" read on the mobile switching center (MSC) 28. "A group of members of an existing push-to-talk communication session" reads on CDs 12, 14, and 16. Maggenti also teaches "a group of at least one member of an additional communication network operated by a second network operator, using a Push-to-Talk over a communication system (PoC) application server" (see Paragraph 0035, 0036, 0043, and Figures 1 and 2). "Second network operator" and "Push-to-Talk over a communication system (PoC) application server" both read on the communications manager (CM) 18. "A group of at least one member of an additional communication network" reads on the net the CM 18 transmits information to, similar to

CD 112 and CD 116 of Figure 2. Maggenti also teaches "connecting the additional group to the existing group of the session for push-to-talk communication" (see Paragraphs 0041 through 0043, and Figure 1). The claim limitation reads on using the distributed network 26 for "connecting" the MSC 28 with CM 18 when a PTT transmission request is received from a communication device, such as CD 108 in Figure 2. Maggenti also teaches "the group members of the additional network are known to both operators and the group members of the existing group are known to the first operator but not to the second operator" (see Paragraphs 0052 and 0054, and Figures 1 and 2). "Known to both operators" reads on the NBS media signaling 124 which is sent to the "first network operator," which then gets bypassed through the "second network operator," and ultimately to the "group members of the additional network." The reverse process also occurs, and thus according to this chain of events, "the group members of the additional network are known to both operators." Also, according to Figures 1 and 2, "the group members of the existing group are known to the first operator" reads on how media traffic 128 gets directly transmitted to the "first network operator," or MSC 28. "The existing group not known to the second operator" reads on how specific media traffic 128 containing information directed towards "group members of the additional network" is only one-way from the "existing group member" to the "group members of the additional network." Since media traffic 128 is only one-way, the "second operator does not know about the existing group," since the "group members of the additional network" cannot go against the one-way communication to provide specific information directed towards the "group members of the existing group."

Maggenti does not teach “synchronizing the existing server to an additional server." However, Bensimon generally teaches “synchronizing the existing server to an additional server" (see Abstract, Paragraph 0021, and Figure 1). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Maggenti with the above mentioned limitations as taught by Bensimon, for the purpose of enhancing and increasing system efficiency by introducing the concept of synchronization and by making a connection between the additional server and the existing server.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ankur Jain whose telephone number is 571-272-9747.

The examiner can normally be reached on M-F, 7:30 am to 5:00 pm, EST, Alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yuwen Pan, can be reached on 571-272-7855. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ankur Jain/

Examiner, Art Unit 2618

08/04/2009

/Yuwen Pan/

Primary Examiner, Art Unit 2618